1 2 3 4 5	Michael P. Balaban State Bar No. 9370 LAW OFFICES OF MICHAEL P. BALABA 10726 Del Rudini Street Las Vegas, NV 89141 (702)586-2964 Fax: (702)586-3023 E-Mail: mbalaban@balaban-law.com	M	
6	Attorney for Framum		
7			
8			
9	UNITED STATES DISTRICT COURT		
10	DISTRICT OF NEVADA		
11			
12	PARNELL COLVIN,	)	CASE NO. 2:20-cv-01765-APG-EJY
13	Plaintiff,	)	AFFIDAVIT OF MICHAEL P. BALABAN IN SUPPORT OF RESPONSE TO JESSE
14	VS.	)	SBAIH & ASSOCIATES, LTD'S MOTION TO ADJUDICATE ATTORNEY'S LIEN
15		)	AND REDUCE LIEN TO JUDGMENT
16	M.J. DEAN CONSTRUCTION, INC.,	) )	
17	Defendant.	)	
18		)	
19		)	
20	STATE OF NEVADA )		
21	COUNTY OF CLARK ) ss.		
22	MICHAEL P. BALABAN, under penalty of perjury, says:		
23	1. I am an attorney at law, licensed to practice before the United States District Court.		
24	District of Nevada, and was the attorney of record for Plaintiff Parnell Colvin ("Plaintiff" or		
25	"Colvin").		
26	2. I am making this Affidavit on personal knowledge and state that I am competent to testify to the matters herein contained.		
27			
28			

1

- 3. I prepared the response to Jesse Sbaih & Associates, LTD's Motion to Adjudicate Attorney's Lien and Reduce Lien to Judgment.
  - 4. I noticed my appearance on behalf of Plaintiff on January 7, 2023 (Doc #75).
- 5. Prior to agreeing to represent Colvin I asked him if there were any liens on the case including a lien from Jesse Sbaih & Associates, LTD ("Sbaih") and Colvin said there were none.
- 6. The Civil Docket sheet also showed no attorney liens or other filed liens in the case.
- 7. Thereafter on March 25, 2023 the case settled and I filed a Notice of Settlement the following day on March 26, 2023 (Doc #119).
- 8. Further on May 3, 2023 after the settlement funds were received and distributed, I filed a Stipulation for Dismissal (Doc #121) which was ordered by the court on May 4, 2023 (Doc #122).
- 9. Had I had notice of Sbaih's lien I would have taken steps to provide for the lien when negotiating and distributing the settlement, but as set forth above I had no notice of the lien.
- 10. Finally on June 16, 2023, nearly three month after the case had been settled and over one month after it had been dismissed, I received an email from Sbaih making me aware for the first time that they were expecting payment of a \$10,000.00 lien (Doc #123-3). I replied to this email on July 3, 2023 letting Sbaih know among other things, as set forth above, that I had no notice of the lien prior to Sbaih's June 16, 2023 email (Doc #123-3).

## FURTHER YOUR AFFIANT SAYETH NAUGHT.

Executed this 20th day of July, 2023, at Las Vegas, Nevada.

I say under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct.

/s/ Michael P. Balaban Michael P. Balaban

**CERTIFICATE OF SERVICE** I hereby certify that pursuant to FRCP Rule 5(b)(3) and LR IC 4-1(a), a true and correct copy of the foregoing document was electronically served via the Court's CM/ECF electronic filing system to the following persons on July 20, 2023: Jesse Sbaih, Esq. Ines Olevic-Saleh, Esq. JESSE SBAIH & ASSOCIATES, LTD Former Attorneys for Plaintiff Martin A. Little, Esq. Robert L. Rosenthal, Esq. HOWARD & HOWARD ATTORNEYS PLLC Attorneys for Defendant /s/ Michael P. Balaban Michael P. Balaban